

Deuteronomy 25:5–10

<https://thebiblesays.com/commentary/deut/deut-25/deuteronomy-255-10/>

Beginning a section that focuses on the principle of the tenth commandment which restricts envy, Moses described the principles relating to levirate marriage. They involve a situation where one of two brothers dwelling together dies without having a son. Though the surviving brother was required to marry his brother's wife so his family line could continue, this law dictated what to do if the surviving brother refuses to do what was required of him.

Moses begins this section which covers the principle of the tenth commandment (*You shall not covet ... anything that belongs to your neighbor*) beginning here in v. 5 to the end of the chapter. The first law in this section concerns the practice of levirate marriage, a form of marriage in which the brother of a deceased man is obligated to marry his brother's widow in order to continue his legacy.

Moses described the situation as *when brothers live together and one of them dies and has no son* (v. 5). The first thing that this law required was that *the wife of the deceased shall not be married outside the family to a strange man*. In this scenario, the widow was not free to marry anyone she wanted.

Instead, *her husband's brother was to go in to her and take her to himself as wife and perform the duty of a husband's brother to her*. The brother of the *deceased* was supposed to respond positively to the plight of the widow by taking her as wife and engaging in sexual intercourse with her. Doing so would enable her to have a son to preserve the lineage of her *deceased* husband. This offspring would cause the property of the deceased lineage to continue in his line. In a sense then, the widow would inherit the brother's property and income from that property through the offspring given to her by the surviving brother.

Accordingly, *it shall be that the firstborn whom she bears shall assume the name of his dead brother* (v. 6). Although the brother-in-law was the biological father, the baby was to be given the name of his deceased uncle. This was done in order *so that his name will not be blotted out from Israel*. It would also benefit the widow by providing a male to protect her and provide for her. This

also meant that the property rights of the deceased brother would not fall to the brother, but rather would follow the widow and her offspring.

Through this *son*, the name of the *deceased* man would continue to exist in a normal way. Since the *son* would legally belong to the *deceased* man, he would inherit his property, and this would be a great benefit to his mother who would no longer be regarded as a destitute widow.

But it may come about that *the man does not desire to take his brother's wife* (v. 7). There could have been any number of reasons for this, but the reason we see the brother refuse to do their duty in other episodes of scripture where this law was in play dealt with a perceived loss of economic value. One such episode is found in Genesis 38:6-26. In this story, Onan had the duty to go in to Tamar and produce an offspring for her. But the text says "Onan knew that the offspring would not be his; so when he went in to his brother's wife, he wasted his seed on the ground in order not to give offspring to his brother." Onan apparently was only interested in building his own economic house, and viewed having offspring from his brother as diluting his own family enterprise. For this attitude of envy and greed, God took Onan's life (Genesis 38:10).

The story of Ruth is similar. In that story there was a plot of land belonging to Naomi's deceased husband that was eligible to be redeemed (a right that applied to all private property in Israel). When Boaz brought the matter to the elders in the gate of the city, a closer relative claimed right to redeem the property, which would have enlarged his own family. However, that relative withdrew his offer when Boaz disclosed that he would also need to take Ruth as wife, and raise an offspring such that the land remained in Naomi's family line.

The rationale given by the party that withdrew was "I cannot redeem it for myself, because I would jeopardize my own inheritance" (Ruth 4:6). This shows that the relative had ample funds to purchase the land for his own family business, but was unwilling to purchase the land for the benefit of Naomi's line. The attitude is "I will invest funds to serve myself and my family, but not for another family."

When a brother refused to provide an heir by going in to his brother's widow, the widow could take legal action, meaning that *his brother's wife shall go up to the gate to the elders*. The *gate* was the equivalent of the courtroom in

Israel. There, the *elders* (the local legal authorities) would hear the wife's testimony, which would be: *my husband's brother refuses to establish a name for his brother in Israel; he is not willing to perform the duty of a husband's brother to me.*

Upon hearing the testimony, the *elders* of the city shall *summon him and speak to him* (v. 8). They would investigate the matter thoroughly and *speak to him*, encouraging him to follow the levirate law. And if he stands firm in spite of the elders' admonitions and says *I do not desire to take her*, then there would be consequences.

The first consequence of the brother's refusal was that *the brother's wife shall come to him in the sight of the elders, and pull his sandal off his foot* (v. 9). This had the effect of degrading him publicly. It is also possible that the act of removing the *sandal off* the brother-in-law's *foot* symbolized the removal of any and all claims he might have to the dead brother's estate. Because the sandal was connected to the land, removing it removed his claim to the land of the wife's household (Ruth 4:7-8).

Then, after pulling the sandal off the man's foot, the widow would *spit in his face*. This would be done to insult him and this would show utmost contempt (Isaiah 50:6; Job 30:10). In this case, the penalty fit the offense. The brother-in-law offended his brother's widow by refusing to marry her. Now, the widow responded by humiliating and insulting the man, thus afflicting him with the same degree of shame. Through the tenth commandment prohibiting envy, God desired to build a culture of mutual care and generosity in Israel. Culture is shaped by what is honored and shamed. By shaming the greed and selfishness of the unwilling brother, this practice builds a culture of generosity.

Next, the widow would declare that this was *done to the man who does not build up his brother's house* (v. 9). Since the brother-in-law refused to *build up his brother's house* (in other words, provide a male heir), the widow was now free to marry any man she pleased. The man was also free of his duty but at the cost of public shame.

In *Israel* the man would be known as *the house of him whose sandal is removed* (v. 10). This nickname would continue to hurt the man's reputation in Israelite society because he had allowed his brother's family name to disappear in Israel. This was considered shameful conduct. Thus the shame

would continue, again perpetrating a culture of generosity and care, rather than of greed and envy.

In ancient times, the life of a widow was not a pleasant one, especially if she did not have any children. Two reasons explain her hardship. First, with no children the widow would have no right to inherit the property of her deceased husband. Second, she would be deprived from the male protection and muscle power to farm and provide, making her a vulnerable person in the society. The unwillingness of the brother to care for the family of his brother was to be shamed for generations.

Biblical Text:

⁵When brothers live together and one of them dies and has no son, the wife of the deceased shall not be *married* outside *the family* to a strange man. Her husband's brother shall go in to her and take her to himself as wife and perform the duty of a husband's brother to her. ⁶It shall be that the firstborn whom she bears shall assume the name of his dead brother, so that his name will not be blotted out from Israel. ⁷But if the man does not desire to take his brother's wife, then his brother's wife shall go up to the gate to the elders and say, 'My husband's brother refuses to establish a name for his brother in Israel; he is not willing to perform the duty of a husband's brother to me.' ⁸Then the elders of his city shall summon him and speak to him. And *if* he persists and says, 'I do not desire to take her,' ⁹then his brother's wife shall come to him in the sight of the elders, and pull his sandal off his foot and spit in his face; and she shall declare, 'Thus it is done to the man who does not build up his brother's house.' ¹⁰In Israel his name shall be called, 'The house of him whose sandal is removed.'